



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

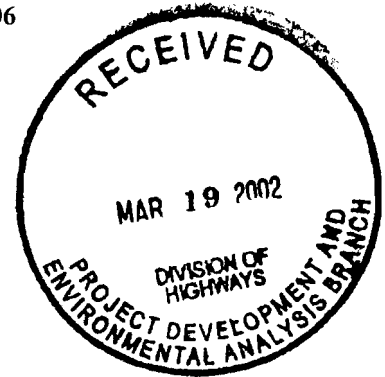
REPLY TO
ATTENTION OF.

Regulatory Division

March 14, 2002

Action ID 200130891

J. Ralph Cannady, P.E.
County Maintenance Engineer
North Carolina Department of Transportation
Post Office Box 1551
Andrews, North Carolina 28901



Dear Mr. Cannady:

Reference your U.S. Army Corps of Engineers' Pre-Construction Notification application dated May 17, 2001, and revised September 20, 2001, requesting authorization to extend two (2) culverts associated with the widening and paving of High Lonesome Road (SR 1363) adjacent to the Little Tennessee River and unnamed tributaries in Macon County, North Carolina. You requested verification of the proposed activity (45 linear feet of permanent impact to unnamed tributaries of the Little Tennessee River) under Department of the Army (DA) Nationwide Permit Number 14. The proposed project involves widening, grading, and paving 4250 feet of existing gravel road to bring the roadway up to current secondary road standards. The roadway is situated off SR 1364 (Needmore Road), on rising slopes with steep sections above Needmore Road, in close proximity to the Little Tennessee River. Substantial bank cutting will be required to widen the road through the steep sections.

Based on our review of this application and the project site, as well as on comments received from Federal and State resource agencies, we have concluded that the proposed work does not meet the general conditions for authorization under the Nationwide Permit regulations. The U. S. Fish and Wildlife Service confirms by letter dated February 6, 2002 (copy enclosed), that populations of the federally endangered Appalachian elktoe and littlewing pearlymussel, and the federally threatened spotfin chub occur within the reach of the Little Tennessee River adjacent to the project. This reach is also designated critical habitat for the spotfin chub. In addition, a federally threatened plant, Virginia spirea, is present along the Little Tennessee River in this area. We have concluded that the proposed roadwork may affect these listed species and that formal consultation under Section 7 of the Endangered Species Act will be necessary. Because it is critical habitat for the spotfin chub, the Little Tennessee River is included as a Designated Critical Resource Water pursuant to General Condition No. 25 of the Nationwide Permit regulations. The U. S. Fish and Wildlife Service does not concur with